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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LEONARD JONES,

11 Plaintiff,

No. 2:11-cv-02189-KJN P

12 vs.

13 SAN LUIS OBISPO
14 SUPERIOR COURT, et al.,

15 Defendants.

ORDER

16 _____/
17 On August 17, 2011, plaintiff, a state prisoner proceeding without counsel in an
18 apparent civil rights action pursuant to 42 U.S.C. § 1983, filed a motion for preliminary
19 injunction; there have been no other filings in this action.

20 The federal venue statute requires that a civil action, other than one based on
21 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
22 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
23 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
24 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
25 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

26 In this case, none of the defendants reside in this district. The claim allegedly


1 arose in San Luis Obispo County, which is in the Central District of California. Therefore,
2 plaintiff's motion should have been filed in the United States District Court for the Central
3 District of California. In the interests of justice, a federal court may transfer an action filed in the
4 wrong district, to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d
5 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. This court has not ruled on plaintiff's motion for preliminary injunction; and

8 2. This matter is transferred to the United States District Court for the Central
9 District of California.

10 DATED: August 23, 2011

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13 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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